

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

PLL TECHNOLOGIES, INC.,)
)
)
Plaintiff,)
)
v.) Case No.: _____
)
NANYA TECHNOLOGY CORP.)
NANYA TECHNOLOGY CORP., U.S.A., and)
NANYA TECHNOLOGY CORP. DELAWARE)

Defendants.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, PLL Technologies, Inc. ("PLL"), by and through its attorneys, files this Complaint for Patent Infringement against Defendants, Nanya Technology Corporation, Nanya Technology Corporation, U.S.A., and Nanya Technology Corporation Delaware, and avers as follows:

PARTIES

1. PLL is a corporation organized and existing under the laws of Delaware, having its registered office at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. PLL is the owner, through assignment, of the entire right, title and interest in United States Patent No. 6,356,122, entitled "CLOCK SYNTHESIZER WITH PROGRAMMABLE INPUT-OUTPUT PHASE RELATIONSHIP" ("the '122 Patent").

2. Nanya Technology Corporation is a corporation organized and existing under the laws of Taiwan, R.O.C., having its principal place of business at No. 669, Fusing 3rd Rd., Gueishan Dist., Taoyuan City 333, Taiwan, R.O.C. Upon information and belief, at all times relevant to this action, Nanya Technology Corporation has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, Synchronized Dynamic Random Access Memory ("SDRAM") products that

employ clock circuits, including a delay-locked loop, with programmable input-output phase relationships.

3. Nanya Technology Corporation, U.S.A. is a corporation organized and existing under the laws of California, having its principal place of business at 1735 Technology Drive, Suite 400, San Jose, CA 95110. Nanya Technology Corporation USA's registered agent for service of process in the State of California is C T Corporation System, 818 West Seventh Street, Suite 930, Los Angeles, CA 90017. Upon information and belief, at all times relevant to this action, Nanya Technology Corporation USA has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, SDRAM products that employ clock circuits, including a delay-locked loop, with programmable input-output phase relationships.

4. Nanya Technology Corporation USA is a wholly-owned subsidiary of Nanya Technology Corporation.

5. Nanya Technology Corporation Delaware is a corporation organized and existing under the laws of Delaware, having its principal place of business at 5104 Old Ironside Drive, Suite 113, Santa Clara, California 95054. Nanya Technology Corporation Delaware's registered agent for service of process in the State of Delaware is Business Filings Incorporated, 108 West 13th Street, Wilmington, Delaware 19801. Upon information and belief, at all times relevant to this action, Nanya Technology Corporation Delaware has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, SDRAM products that employ clock circuits, including a delay-locked loop, with programmable input-output phase relationships.

6. Nanya Technology Corporation Delaware is a wholly-owned subsidiary of Nanya Technology Corporation.

7. Nanya Technology Corporation, Nanya Technology Corporation, U.S.A., and Nanya Technology Corporation Delaware are hereinafter collectively referred to as “Nanya”.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and § 1338(a).

9. This Court has personal jurisdiction over Defendants in this district, in that Defendants, directly or through their agents, have regularly conducted business activities in Delaware; have committed infringing activities in Delaware by manufacturing, using, marketing, offering for sale, selling and/or importing products and systems that infringe the ‘122 Patent; and/or have placed products and systems that infringe the ‘122 Patent in the stream of commerce with the knowledge and intent that they would be used, offered for sale and/or sold by others in Delaware. Personal jurisdiction over Nanya Delaware further exists by virtue of its incorporation under the laws of Delaware.

10. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

GENERAL ALLEGATIONS

11. The ‘122 Patent was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on March 12, 2002, naming Piyush Sevalia and Ken Fox as inventors, and Cypress Semiconductor Corp. as assignee. A true and correct copy of the ‘122 Patent is attached as Exhibit “A” hereto.

12. The ‘122 Patent relates to a clock synthesizer circuit with a programmable input-output phase relationship for generating output frequencies based on a reference clock input.

13. The ‘122 Patent as issued by the USPTO is valid and enforceable.

14. The ‘122 Patent was ultimately assigned to PLL, and PLL is the exclusive and current owner of all rights, title and interest in the ‘122 Patent, and is entitled to enforce the ‘122 Patent against infringers, including by commencing the present action.

15. Nanya has engaged and continues to engage in acts of infringement under 35 U.S.C. § 271, *inter alia*, by manufacturing, using, offering for sale and/or selling in the United States, SDRAM products comprising clocking circuitry that embodies each element of at least one (1) claim of the ‘122 Patent, including, without limitation, Dependent Claims 11 and 15, either literally or by equivalence.

16. By way of example only, some of the infringing products that Nanya has specifically manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States for sale, and continues to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States for sale, are the DDR3 SDRAM product family, including, particularly, the following 4Gb DDR3 SDRAM products:
NT5CB1024M4CN, NT5CC1024M4CN, NT5CB512M8CN, NT5CC512M8CN,
NT5CB256M16CP, and NT5CC256M16CP.

17. On October 30, 2015, PLL notified Nanya USA that products that Nanya makes and/or sells are within the field of technology covered by at least one of the claims of the ‘122 Patent (“the Notification Letter”). From October, 30, 2015, Nanya has had notice and knowledge of the ‘122 Patent, and that certain of its SDRAM products infringed the ‘122 Patent. A true and correct copy of the Notification Letter is attached as Exhibit “B” hereto.

18. Despite its knowledge of the ‘122 Patent and that certain of its SDRAM products infringed the ‘122 Patent, Nanya has continued, after October 30, 2015, to sell its infringing SDRAM products to its customers, specifically intending, and actually causing, its customers to use those SDRAM products in a manner that directly infringes the ‘122 Patent.

19. Nanya has further provided and/or made available to its customers instructions and other information regarding the operation, functionality and use of its infringing SDRAM products, notwithstanding its knowledge of the ‘122 Patent and that such SDRAM products infringe the ‘122 Patent. *See, e.g.,*

http://www.nanya.com/PageEdition3.aspx?Menu_ID=109&def=210&lan=en-us

20. Nanya has further sold and offered for sale within the United States and/or imported into the United States, SDRAM products with the knowledge that they are especially adapted for use in practicing all steps of the patented method of the ‘122 Patent.

21. Nanya has continued to sell and offer for sale within the United States, and/or imported into the United States, such SDRAM products notwithstanding its knowledge of the ‘122 Patent, its knowledge that such SDRAM products are not suitable or intended for substantial noninfringing use, and its knowledge that the use of the SDRAM products by its customers in their own products, in accordance with the instructions provided and/or made available by Nanya, has resulted and continues to result in its customers using its devices in a manner that infringes, either literally or under the doctrine of equivalents, each element of at least one or more claims of the ‘122 Patent.

22. Nanya does not have a license or other authorization to practice the claims set forth in the ‘122 Patent.

CLAIM FOR DIRECT PATENT INFRINGEMENT

23. PLL incorporates by reference and in their entirety the averments set forth in paragraphs 1 through 22, inclusive, of this Complaint.

24. Nanya has manufactured, used, offered for sale, sold and/or imported into the United States for sale, and continues to manufacture, use, offer for sale, sell and/or import into the United States for sale, SDRAM products that infringe at least Claims 11 and 15 of the ‘122 Patent.

CLAIM FOR INDIRECT PATENT INFRINGEMENT

25. PLL incorporates by reference and in their entirety the averments set forth in paragraphs 1 through 24, inclusive, of this Complaint.

26. From the date that PLL sent Nanya the Notification Letter, Nanya has actively induced, and continues to actively induce, infringement of the ‘122 Patent under 35 U.S.C. § 271(b) by knowingly selling its infringing SDRAM products to its customers, specifically intending, and actually causing, its customers to directly infringe the ‘122 Patent, and by providing instructions to its customers regarding the operation, functionality and use of its infringing SDRAM products.

27. Nanya is also liable, from the date that PLL sent Nanya the Notification Letter, as a contributory infringer under 35 U.S.C. § 271(c) by selling or offering for sale within the United States, and/or importing into the United States, SDRAM products with knowledge that they are especially adapted for use in practicing all steps of the patented method of the ‘122 Patent, knowledge that such devices are not suitable for substantial noninfringing use, and knowledge that the use of the SDRAM products by its customers as instructed by Nanya has resulted and continues to result in its customers using its products in a manner that infringes, either literally or

under the doctrine of equivalents, each element of at least one or more claims of the ‘122 Patent.

DAMAGES

28. Nanya has caused and will continue to cause PLL substantial damage by virtue of its infringing activities.

29. PLL is entitled to recover from Nanya the damages it has sustained as a result of Nanya’s infringing activities.

DEMAND FOR JURY TRIAL

30. PLL hereby demands a trial by jury of all issues triable of right before a jury.

PRAYER FOR RELIEF

WHEREFORE, PLL respectfully requests the following relief:

- a) That this Court enter judgment in favor of PLL and against Nanya that Nanya has infringed the ‘122 Patent;
- b) That this Court award PLL all damages adequate to compensate PLL for the harm it has suffered as a result of Nanya’s infringement of the ‘122 Patent, together with pre and post judgment interest and costs as fixed by the Court, all pursuant to 35 U.S.C. § 284;
- c) That this Court award PLL enhanced damages for willful infringement pursuant to 35 U.S.C. § 284;
- d) That this Court declare this case to be exceptional and award PLL its reasonable attorneys’ fees pursuant to 35 U.S.C. § 285; and
- e) That this Court award to PLL such other and further relief as this Court deems to be just and proper.

Dated: February 8, 2016

Respectfully submitted,

FARNAN, LLP

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